IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

WP(C).No. 23352 of 2007(E)

AGAINST THE ORDER IN IA 150/2007 IN
OA.11/2006 of FOREST TRIBUNAL, KOZHIKODE

.....

PETITIONER: PETITIONER/APPLICANT

BRAHMAGIRI 'B' ESTATE,
REPRESENTED BY MANAGING PARTNER MICHAEL VAN INGEN,
AGED 67, THIRUNELLI AMSOM, DESOM, NORTH WAYANAD,
MANANTHAVADY, WAYANAD DISTRICT.

BY ADV. SRI.K.M.FIROZ

RESPONDENTS: RESPONDENTS/RESPONDENTS

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1. STATE OF KERALA, REPRESENTED BY
THE CHIEF SECRETARY, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM.

2. CUSTODIAN OF VESTED FORESTS,
ARANYA BHAVAN, FOREST COMPLEX, OLAVAKODE,
PALAKKAD.

BY SPL. GOVT. SHRI. RANJITH THAMPAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No.23352 OF 2007 E

Dated this the 31st July, 2007.

JUDGMENT

An application was filed calling for records of O.A.84/90 pending before the Forest Tribunal, Kozhikode. The learned Tribunal disposed of the matter holding that there are provisions to issue certified copies and the petitioner can resort to the same. Rule 120(3) of the Civil Rules of Practice also make it clear that one has to apply for a certified copy and if one does not get it then move the court for summoning the documents. In the light of such restrictions it may not be correct to issue summons directly or call for the records immediately without resorting to the procedure contemplated under Rule 120(3) of the Civil Rules of Practice. Therefore the order passed by the learned Forest Tribunal does not suffer from any infirmity and the writ petition is dismissed.

2. If the writ petitioner genuinely applies for a certified copy and asks for time let it be sympathetically considered by the Forest Tribunal.

M.N.KRISHNAN
Judge

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